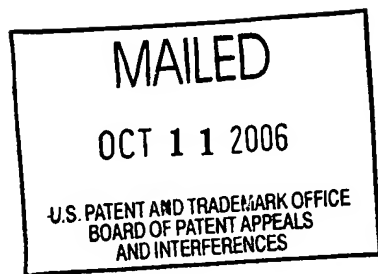


UNITED STATES PATENT AND TRADEMARK OFFICE



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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte DAVID N. NICHOLS and DAVID L. LOSEE

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Application 10/629,885

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ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

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This application was electronically received at the Board of Patent Appeals and Interferences on September 11, 2006. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matter requiring attention prior to docketing is identified below.

The content under the heading “**SUMMARY OF CLAIMED SUBJECT MATTER**” contained in the Appeal Brief filed on October 7, 2005 does not provide a sufficient summary of the independent claims involved in the appeal, which, for each independent claim involved in the appeal and for each dependent claim argued separately, shall refer to the

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specification by page and line number, and to the drawing, if any, by reference characters. *See* 37 CFR § 41.37(c)(1)(v).

A Supplemental Appeal Brief that is in compliance with 37 CFR § 41.37(c)(1)(v) is required.

Further, an Information Disclosure Statement (IDS) was filed June 27, 2005. It is not apparent from the record that the examiner considered the statement submitted or notified applicants of why this submission did not meet the criteria set forth in 37 CFR §§ 1.97 and 1.98.

Accordingly, it is

**ORDERED** that the application is being electronically returned to the Examiner:

1) to have appellants submit a Supplemental Appeal Brief that is in compliance with 37 CFR § 41.37(c)(1)(v) for the “Summary of Claimed Subject Matter” section contained in the Appeal Brief filed on October 7, 2005;

2) for consideration of the Information Disclosure Statement; and

3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS  
AND INTERFERENCES

By: *G. P. Egan for Dale Shaw*  
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GJH

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